

### **31A-22-1802. Definitions.**

As used in this part:

- (1) "Customer" means a person who purchases portable electronics.
- (2) "Enrolled customer" means a customer who elects coverage under a portable electronics insurance policy issued to a vendor of portable electronics.
- (3) "Location" means a physical location in the state or a website, call center site, or similar location directed to residents of the state.
- (4) "Portable electronics" means:
  - (a) an electronic device that is portable in nature; and
  - (b) an accessory or service related to the use of the portable electronic device.
- (5) (a) "Portable electronics insurance" means insurance providing coverage for the repair or replacement of portable electronics that provides coverage for portable electronics against any one or more of the following:
  - (i) loss;
  - (ii) theft;
  - (iii) inoperability due to mechanical failure;
  - (iv) malfunction;
  - (v) damage; or
  - (vi) other similar cause of loss.
- (b) "Portable electronics insurance" does not include:
  - (i) a manufacturer's or vendor's warranty;
  - (ii) a service contract;
  - (iii) a policy of insurance covering a vendor's or manufacturer's obligations under a warranty; or
  - (iv) a homeowner's, renter's, private passenger motor vehicle, commercial multi-peril, or similar policy.
- (6) "Portable electronics transaction" means:
  - (a) the sale or lease of portable electronics by a vendor to a customer; or
  - (b) the sale by a vendor to a customer of an accessory or a service related to the use of portable electronics.
- (7) "Service contract" means a contract or agreement for the repair or maintenance of goods or property, for their operational or structural failure due to a defect in materials, workmanship, or normal wear and tear, with or without additional provisions for incidental payment of indemnity under limited circumstances.
- (8) "Supervising entity" mean a business entity that is:
  - (a) a licensed insurer; or
  - (b) an insurance producer that is appointed by an insurer to supervise the administration of a portable electronics insurance program.
- (9) "Vendor" means a person in the business of engaging in portable electronics transactions directly or indirectly.
- (10) "Warranty" means a promise made solely by the manufacturer, importer, seller, or lessor of property or services without consideration, that is not negotiated or separated from the sale of the product and is incidental to the sale of the product, that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor, or other remedial measures, such as repair or replacement of the property or repetition of services.

Enacted by Chapter 151, 2012 General Session